

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
JULY 1, 2004**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, July 1, 2004, beginning at 2:00 P.M. at the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mrs. Margaret Mailler, Chairperson; Mr. John Meadows, Vice-Chairperson; Ms. Sonja Addison, Secretary; Mr. James W. Van Luven; Mr. Maximilian A. Tufts, Jr.; Mr. Mark Rohrbaugh; and Mrs. Carolyn Bowen. Also present were Ms. Tracy Gallehr, Assistant County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Mr. Fred Hodge, Senior Planner and Mrs. Debbie Dotson, Office Associate III.

**MINUTES:** On a motion made by Mr. Meadows and seconded by Mr. Tufts, the Board of Zoning Appeals voted to approve the minutes of the June 3, 2004, meeting.

The motion carried unanimously.

**LETTER OF NOTIFICATIONS AND PUBLIC NOTICE:** Mrs. Dotson read the Public Hearing Protocol. Mr. Hodge stated, that to the best of his knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners.

**SPECIAL PERMIT #SPPT04-SC-040, LEO J. SCOLFORO (OWNER)**

Owner is seeking special permit approval to locate a professional office with 3 or less employees on the property, PIN #7909-97-6264-000, located at 4281 Highpoint Lane, Scott District, The Plains, Virginia.

Mr. Hodge stated that Mr. Scolforo would be amending his application and is asking the BZA to continue this matter until the August 5, 2004, hearing.

On a motion made by Mr. Van Luven and seconded by Mr. Rohrbaugh, the Board of Zoning Appeals voted to defer the application until the August 5, 2004, meeting.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT04-MA-041, KENNETH C. RIETZ AND URSULA J. LANDSRATH (OWNERS)**

Owners are seeking special permit approval to locate a professional office with 3 or less employees on the property, PIN #6041-87-2746-000, located at 2851 Delaplane Grade Road, Marshall District, Delaplane, Virginia.

Mr. Hodge stated that a BZA site visit was made earlier that day and he reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Ken Rietz and Ursula Landsrath, owners, appeared representing the application and stated agreement with the staff report. Ms. Landsrath read and submitted a written statement, a copy of which is attached to and made a part of the minutes.

Mrs. Mailler asked if there were any speakers for or against the application.

Gene Rae, resident, stated opposition to the special permit. He stated that this use is inconsistent with the village residential environment and stated concerns with traffic increase.

Margot Blattmann, resident, stated opposition to the special permit. She stated concerns with commercial activity in a residential area and with traffic increase.

Gregory Wolfe, resident, stated opposition to the special permit. He stated concerns with traffic increase and stated that the use is entirely inconsistent in the village district.

Mrs. Mailler asked if there were any other speakers. In that there were no more speakers, the public hearing was closed.

On a motion made by Mr. Rohrbaugh and seconded by Mr. Van Luven, the BZA noted that due notice and hearing, as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009, had been provided and voted to grant the special permit, with the following findings and conditions:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for special permits.

The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. No more than three professionals may use the building.
2. The special permit shall be limited to a period of three (3) years.
3. The vegetation at driveway entrance to be cleaned up to improve site distance.

Mrs. Mailler stated the motion had been moved and seconded and asked if there was any discussion from the BZA.

On a motion made by Mr. Meadows and seconded by Mr. Rohrbaugh, the BZA amended the motion to add the following conditions:

4. The hours of operation to be 8:00 a.m. to 8:00 p.m. five days a week.
5. The use limited to six (6) clients visiting the site per day.

The motion to amend the motion was approved unanimously.

The motion to approve the special permit, as amended, was approved unanimously.

**VARIANCE #ZNVA04-CR-013, CALVIN L. RITCHIE (OWNER/APPLICANT) / ANDY WILFONG (APPLICANT)**

Applicants are seeking four variances to reduce the setback requirements for three existing silos and for an existing building to be used as part of an approved abattoir operation. These variances were needed to allow a proposed subdivision of the industrially zoned land from the existing rural zoning associated with a working farm, PIN #7808-52-4186-000, located at 5177 Ritchie Road, Cedar Run District, Bealeton, Virginia.

Mr. Hodge stated that a BZA site visit was made earlier that day and he reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mrs. Bowen stated that she would recuse herself from any discussion or vote on this matter because she had made prior decisions on this property when she was the Zoning Administrator for Fauquier County.

Andy Wilfong, applicant, appeared representing the application and stated agreement with the staff report.

The applicant wished to use the existing zoning district boundary lines between the Industrial-1 and Rural Agriculture portions of the parcel as the new property lines for the proposed subdivision. Mr. Van Loven asked Mr. Wilfong if he has considered redoing the boundary lines. Mr. Wilfong stated no.

Mr. Tufts read a portion of a recent case decision on variances issued by the Virginia Supreme Court.

Mrs. Mailler asked if there were any speakers for or against the application.

Lori Blevins, Carson & Harris, appeared and stated that she has tried to re-work the property lines to make it work. She stated that at this point this is Mr. Wilfong's only option. She noted the required 100-foot setback for silos from any property line and the requirement buildings in industrial zones must be at least 75 feet from a rural property made other options impossible.

Mrs. Mailler asked if there were any other speakers. In that there were no more speakers, the public hearing was closed.

On a motion made by Mr. Meadows and seconded by Mr. Rohrbaugh, the BZA voted to deny the variance based on the Board's findings, after due notice and hearing, as provided by §15.2-2204 of the Code of Virginia:

1. Strict application of the Ordinance would not effectively prohibit or unreasonably restrict use of the property;
2. The granting of the variance will not alleviate a clearly demonstrable hardship approaching confiscation, and is not distinguished from a special privilege or convenience sought by the applicant.
3. The variance will not be in harmony with the intended spirit and purpose of the Ordinance, and would not result in substantial justice being done.
4. The strict application of the Ordinance will not produce undue hardship.

The motion carried 6-0, with Mrs. Bowen abstaining.

**ADJOURNMENT:** There being no further business before the BZA, the meeting was adjourned at 3:06 P.M.

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Margaret Mailler, Chairperson

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Sonja Addison, Secretary

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A recording of the meeting is on file for one year.